

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREG SKISTIMAS et al.,

Plaintiffs,

v.

HOTWORX FRANCHISING LLC et al.,

Defendants.

CASE NO. 3:23-cv-05974-DGE

ORDER FOR SUPPLEMENTAL
BRIEFING ON MOTION TO
DISMISS (DKT. NO. 22)


On February 22, 2024, Defendants Nancy Price, Patricia Gattuso, and Stephen Smith (the “Individual Defendants”) moved to dismiss this action, arguing, *inter alia*, that the Court lacks personal jurisdiction over them. (Dkt. No. 22 at 5–10.) When a defendant moves to dismiss a complaint for lack of personal jurisdiction, the plaintiff bears the burden of demonstrating that the exercise of jurisdiction is proper. *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800 (9th Cir. 2004).

Though not entirely clear, Plaintiffs’ response and amended complaint appear to rely on (1) consent (Dkt. Nos. 32 at 3; 35 at 2) and (2) RCW § 19.100.160 (Dkt. No. 32 at 4) as the bases

1 for their argument that the Court may exercise personal jurisdiction over the Individual
2 Defendants.¹ However, Plaintiffs fail to offer non-conclusory argument, legal authority, or
3 citations to specific locations in the record to support their position on any ground. As such, the
4 Court is unable to determine with certainty on which portions of the record Plaintiffs seek to rely
5 to establish consent or otherwise support their position. Further, Plaintiffs offer no argument as
6 to the applicability of RCW § 19.100.160 to the instant case.

7 Plaintiffs SHALL file supplemental briefing of no more than 12 pages identifying and
8 presenting their arguments with clarity no later than June 26, 2024. Arguments must contain
9 citation to authority and the record. The Individual Defendants SHALL file a response of no
10 more than 10 pages no later than July 5, 2024.

11 Dated this 18th day of June 2024.

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14 David G. Estudillo
15 United States District Judge
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23 ¹ Plaintiffs also vaguely assert that one of the Individual Defendants “effectively submitted to the
24 jurisdiction” of Washington. (Dkt. No. 35 at 2.) The Court is unable to discern the legal basis for
this assertion.